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West Des Moines City Council Proceedings
Monday, February 4, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, February 4, 2013 at 5:30 PM. Council members present were: T. Ohmart, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 1. Agenda. It was moved by Trimble, second by Trevillyan to approve the agenda as presented.

Vote 13-025: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum

Bill Ludwig, William J. Ludwig and Associates, 1444 NW 124th Street, Clive, stated his firm has been working on some proposed development along Mills Civic Parkway which will require sanitary sewer. He submitted a written request for initiation for R-1 zoning, a petition, and a written consent related to the proposed development.

On Item 3. Council/Manager/Other Entities Reports:

City Manager Greg Sparks reported staff held a public information meeting on January 10th regarding the proposed Fox Creek Sanitary Sewer project. On January 15th, he met with DART staff to follow up on their recent changes in service and the possibility of adding service to the DMACC West Des Moines campus, which DART has decided to conduct a study for. He also reported the city-wide quality training is ongoing with Terry Myers of Business Edge facilitating. On January 18th, staff met with Mid-American Energy to follow up on restoration work on projects and street lighting, and they plan to continue meeting twice a year going forward. He reported the Public Works Subcommittee members and staff met with the Sugar Creek Hills Homeowners Association regarding a potential annexation. The Employee Recognition Dinner was held on January 26th, where Firefighter Will Jess was recognized as the Employee of the Year for 2012. He stated the Legislative Subcommittee will meet with legislators at the State Capitol tomorrow afternoon, and a public information meeting regarding the Tomorrow Plan will also be held tomorrow from 4:00 p.m. to 7:00 p.m. at the Raccoon River Nature Lodge. He also reported the January Building Permit Report came out today, which showed nearly \$9 million in permit valuation for the month. He noted the Public Safety Subcommittee recommended the deer management plan be brought to the full Council in a workshop setting, which will give residents an opportunity to discuss the matter with the Council.

Council member Ohmart reported the Public Works Subcommittee met on January 28th and discussed the need for a city policy addressing the repair and replacement of street light poles

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and fixtures, particularly in private developments with decorative lighting, and the possibility of incorporating a storm water management fee district for future development in the community.

Council member Trimble reported the Public Safety Subcommittee met and discussed several facets of the WestCom radio upgrade. He stated the tower locations have now been established and the system should be up and running by July 1st. He noted an RFP was published for a microwave radio system and the proposed contract is on tonight's agenda. He reported the Subcommittee also discussed proposed changes to the solicitor ordinance, proposed changes to the fine structure for animal control violations, and the proposed deer management plan to allow deer management zones where bow hunters permitted by the City could hunt from a tree stand. He stated the Finance and Administration Subcommittee met and discussed the City's plowing of public property adjacent to private property, the impact of the Affordable Care Act on the City, and the proposed issuance of general obligation bonds to fund CIP projects.

On Item 4. Consent Agenda.

Council members pulled Items 4(g)1 for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of January 21, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 2. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 3. Rogers Entertainment, Ltd., d/b/a Legends American Grill, 640 South 50th Street, Suite 2110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- d. Acceptance of 2012 Donations and Gifts - Police Department
- e. Approval of Contract - Microwave (Radio) System
- f. Approval of Updated Memorandum of Understanding - Des Moines Area Regional GIS Partnership
- g. Approval of Agreements:
 - 2. DMARC Food Pantry
- h. Approval of Change Orders:
 - 1. South 60th Street Improvements, #7
 - 2. City Facilities Interior Lighting Upgrade, #4
- i. Approval of Traffic Safety Improvement Program Funding Agreement - Iowa Department of Transportation
- j. Approval of Special Assessments - Nuisance Abatements

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- k. Establish Public Hearings - Issuance of General Obligation Bonds:
 - 1. Not to Exceed \$8,000,000 Essential Corporate Purpose
 - 2. Not to Exceed \$700,000 General Corporate Purpose
 - 3. Not to Exceed \$400,000 General Corporate Purpose
- l. Establishing Fair Market Value and Approving the Acquisition of Property - 2013 PCC Reconstruction Program
- m. Approval of Residential Anti-Displacement and Relocation Assistance Plan
- n. Approval of Professional Services Agreements:
 - 1. Land Surveying Services Agreement - Public Services Facility
 - 2. Engineering Services Agreement - Walnut Creek Outfall
- o. Order Construction:
 - 1. 2013 Parking Lot Repair Program
 - 2. 2012 Pavement Joint/Crack Sealing Program
- p. Accepting Work - Southwest Connector - Sideroad 1
- q. Approval of Department Natural Resources Shooting Sports Grant Application - Raccoon River Park Archery Facility
- r. Approval to Add South Maple Grove Villas to the City's Solid Waste Collection Program and Approval and Acceptance of Hold Harmless Agreement

Vote 13-026: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(g)1 Approval of Agreement - Government Relation Services

Councilmember Trimble stated since he works close with the lobby in his line of work, he will abstain from this vote.

It was moved by Trevillyan second by Ohmart to approve Item 4(g)1 Approval of Agreement - Government Relation Services.

Vote 13-027: Ohmart, Sandager, Trevillyan...3 yes
Trimble...1 abstain due to a potential conflict of interest
Motion carried.

On Item 5(a) Southwoods Knoll, northeast corner of Mills Civic Parkway and South 50th Street - Amend Southwoods Knoll PUD as to Allowed Uses, initiated by Stanbrough Realty Co. L.L.C.

It was moved by Trimble, second by Trevillyan to consider the second reading of the ordinance.

Vote 13-028: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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It was moved by Trimble, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-029: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-030: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(b) 2011 Sidewalk Improvement Program, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Final Plat and Schedule of Assessments.

Council member Trimble inquired about the City's process for this program, as he has heard from residents that let the City work on their sidewalks over a year ago that they have not received invoices for that work yet.

Jody Smith, Deputy City Manager/City Clerk, responded tonight's action will allow the invoices to be sent out, and they should be sent out by Friday February, 15th, with the residents having 30 days to pay them. He noted work on the entire project must be substantially completed before the City can close the project out and send out the invoices.

Vote 13-031: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Pro tem Trimble indicated this was the time and place for a public hearing to consider Sierra Pointe Apartments, northeast corner of 72nd Street and Woodland Avenue - Amend the Comprehensive Plan and the Country Club Office Plaza Planned Unit Development (PUD) to Change the Land Use and Base Zoning of Parcel 'G' From Office to High Density Residential; Construction of an Apartment Complex, initiated by R & R Realty Group. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 18, 2013 in the Des Moines Register. Mayor Pro tem Trimble asked if any written comments had been received. The City Clerk stated on a vote of 4-0, three members absent, the Plan and Zoning Commission recommended City Council approval of the proposed comprehensive plan amendment, proposed zoning change, and proposed site plan.

Mayor Pro tem Trimble asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Sandager, second by Ohmart to adopt Resolution - Approval of Comprehensive Plan Amendment.

Council member Ohmart noted the Development and Planning Subcommittee reviewed this proposal and recommends its approval.

Vote 13-032: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Sandager, second by Ohmart to consider the first reading of the ordinance.

Vote 13-033: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Ohmart to approve the first reading of the ordinance.

Vote 13-034: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Sandager, second by Ohmart to adopt Resolution - Approval of Site Plan.

Vote 13-035: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 124 1st Street - Conveyance of Property to Habitat for Humanity, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 23, 2013 in the Indianola Record-Herald and the Madisonian, January 24, 2013 in the Dallas County News, and January 25, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Agreement to Convey Property.

The Mayor and Council expressed appreciation to Council member Trevillyan for coordinating the construction of the garage on this property and to the volunteers and contributors for the project.

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Jason Ekstrom, Greater Des Moines Habitat for Humanity, expressed appreciation to the City for donating this property to Habitat for Humanity and for everyone who was involved with the construction of the garage. He stated construction on the house will likely start in June and completion is expected for November.

Vote 13-036: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider 2012 PCC Patching Program, Phase 2, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 25, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications and Motion to Receive and File Report of Bids.

Vote 13-037: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7 - New Business: no items

On Item 8(a) 2011-12 FY Comprehensive Annual Financial Report - Received and Filed

Dave Cahill, from the Dubuque office of Eide Bailly, gave an overview of the independent audit his firm conducted of the City's finances. He stated the 2011-12 FY Comprehensive Annual Financial Report reflected an "unqualified opinion", which means it is materially correct in accordance with generally-accepted accounting principles. He reported there was one material weakness due to some material audit entries that had to be made, and those adjustments are detailed in the letter. He stated there were two minor statutory comments, one relating to the timely publication of Council meeting minutes and the other relating to the timely publication of a notice for bond sale, and those matters have been addressed by management. He also explained that the City's finances are healthy and in good order. He noted the audit firm had no significant difficulties in performing the audit and expressed appreciation to city staff for being easy to work with. He responded to a question from Mayor Gaer, stating the audit requires eight days on site, separated into two trips, and the rest of the work can be done electronically.

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On Item 9 - Other Matters

Mayor Gaer requested a status update on the planning for the Grand Technology Corridor.

Duane Wittstock, City Engineer, responded the consultant has completed the study, which is now being reviewed by the City Attorney to ensure the proposal meets City requirements. It will then go to the Iowa Dept. of Transportation for review and then the Federal Highway Administration. Once the study has been approved by the IDOT and FHWA, the City will then have clearance to proceed with the project.

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Ryan T. Jacobson
Deputy City Clerk

ATTEST:

Steven K. Gaer, Mayor